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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,459	03/16/2004	Takuya Matsumoto	8305-240US (NP139-1)	3248

570 7590 09/14/2005

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EXAMINER

WU, SHEAN CHIU

ART UNIT

PAPER NUMBER

1756

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Office Action Summary

Application No.

10/801,459

Applicant(s)

MATSUMOTO ET AL.

Examiner

Shean C. Wu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The previously Office Action has been withdrawn because the mistake was made in the rejection. The new Office Action is issued herein.

Claim Rejections - 35 USC § 103

2. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lub (US 6,660,344) and further in view of Farrand et al. (US 6,183,822).

The present claims differ from the claims of US '344 in that the claims of US '344 did not claim the method of producing a liquid crystal film. However, Lub did teaches a method of making an electro-optical device comprising one or more dioxetane compounds of formula 1 comprising the steps of: (a) forming a cell comprising two cell walls spaced apart, the walls inner surfaces having formed thereon electrode structures; (b) providing a mixture comprising a monomer material comprising one or more dioxetane compounds of formula 1 and a suitable initiator, preferably a photo-initiator; (c) introducing said mixture between the cell walls; and (d) polymerizing the mixture as described above. Preferably at least one wall is surface treated to provide liquid crystal alignment. Lub also teaches the dioxetane compounds of formula I or compositions comprising one or more dioxetane compounds of formula I, which are usually dissolved in a suitable solvent and mixed with a suitable cationic photoinitiator. See examples 7-9.

Although Lub did not claim the method of producing a liquid crystal film comprising dioxetane of formula (I), it would have been obvious to those skilled in the art

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to utilize and optimize Farrand's method by polymerizing a polymerizable liquid crystal composition comprising a dioxetane of Lub to arrive at the present liquid crystal film because Farrand (US '822) discloses the method of preparing anisotropic polymer film (nematic or cholesteric polymer film) by polymerizing liquid crystal composition comprising at least one polymerizable mesogenic compound with possible to use a cationic photoinitiator (see col. 1, lines 18-24 and col. 13, lines 25-57).

Response to Arguments

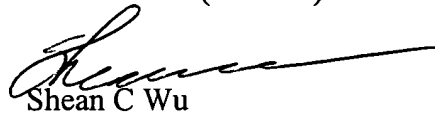
3. Applicant's arguments filed 6/24/05, with respect to the potential interference with US 6,660,344 have been fully considered. However, upon further consideration, a new ground of rejection is made in view of Farrand et al. (US 6,183,822).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shean C. Wu whose telephone number is 571-272-1393. The examiner can normally be reached on 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shean C Wu
Primary Examiner
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SCW